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5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

7 JAKE BOGDON,

8 Plaintiff,

2:11-cv-0258-LDG-GWF

9 v.

ORDER

10 NEWMONT USA LIMITED, D/B/A Newmont
11 Mining Corporation, A Delaware corporation
12 doing business in the State of Nevada,

13 Defendant.

14
15 Plaintiff Jake Bogdon brought this action against Newmont USA Limited (“Newmont”)
16 alleging violations of state and federal overtime laws. Newmont has filed a motion to dismiss
17 arguing that Bogdon’s Complaint is factually insufficient (#9, opp’n #13, reply #14). Bogdon
18 opposes Newmont’s motion and maintains that he has sufficiently pled his claims. Newmont’s
19 reply correctly suggests that the additional facts necessary to Bogdon’s opposition further illustrate
20 the insufficiency his Complaint.


21 Newmont has also filed a motion to transfer this case to the northern division in Reno
22 pursuant to LR IA 8-1(c) and 28 U.S.C. § 1404(a) (#10, non-opp’n #11). Newmont requests this
23 transfer based on the convenience of the parties and the anticipated witnesses. Accordingly,

24 THE COURT HEREBY ORDERS that Newmont’s motion to dismiss (#9) is GRANTED.
25 Bogdon may file an amended complaint within thirty days (30) of this order.

26 THE COURT FURTHER ORDERS that Bogdon’s motion for attorneys’ fees (#13) is
DENIED.

1 THE COURT FURTHER ORDERS that Newmont's motion to transfer the case to the
2 northern division (#10) is GRANTED. The undersigned will continue to preside over this matter.

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5 DATED this 3 day of May, 2011.

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Lloyd D. George
United States District Judge
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